

FILED

MAR 23 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALEKSAN MKRTCHYAN,

Petitioner - Appellant,

v.

TERRY E. WAY, USCIS Nebraska
District Director; ROBERT J. OKIN,
Seattle USCIS District Director; TOM
RIDGE, Secretary of the U.S. Department
of Homeland Security; ALBERTO R.
GONZALES, Attorney General,

Respondents - Appellees.

No. 04-35646

D.C. No. CV-04-00323-TSZ
Western District of Washington,
Seattle

ORDER

Before: PREGERSON, GRABER, and GOULD, Circuit Judges.

The panel has voted unanimously to grant the petition for panel rehearing. The Memorandum Disposition filed on November 8, 2005, is hereby withdrawn. Within twenty-one (21) days of the date of this order, Mkrtchyan's counsel shall file a brief addressing Mkrtchyan's challenges to the BIA's October 3, 2003, dismissal of his appeal. The Government shall file a brief in response no later than twenty-one (21) days after service of Mkrtchyan's. Mkrtchyan may file a brief in reply no later than fourteen (14) days after service of the Government's brief.

Mkrtchyan's initial brief and the Government's responding brief shall not exceed thirty-five (35) pages. Mkrtchyan's reply, if any, shall not exceed twenty (20) pages.